

Resolution No.: 15-1125  
Introduced: July 26, 2005  
Adopted: July 26, 2005

COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Perez, Andrews, Praisner, Leventhal, and Denis

Subject: Short-Term Measures to Assure Compliance with Site Plans

Background

1. Serious failures in the enforcement of site plans during construction in Clarksburg Town Center have been exposed through the efforts of citizen activists.
2. The public trust in Montgomery County's development management has been seriously damaged by these failures.
3. The enforcement of site plan conditions and requirements is essential to the safety and well-being of County residents and the integrity of the County's planning process.
4. The County Council has oversight responsibility to ensure that agencies responsible for these activities are fully exercising their obligations.
5. The County Council has initiated detailed reviews of the process and actions taken and not taken in the Clarksburg Town Center.
6. The County Council has directed the Office of Legislative Oversight (OLO) to complete a fact finding review of what went wrong in the County development review and implementation processes, and any actions that might fix the problems identified.
7. The following actions by the Montgomery County Planning Board and the Department of Permitting Services (DPS) will ensure thorough review and compliance of building permits with site plans while comprehensive reviews of the planning and enforcement process are pending.
  - No new building permits may be issued in the Clarksburg Town Center development until further review and certification of compliance with appropriate site plans by the Park and Planning Department and DPS.
  - All requests to amend site plans in Clarksburg must be deferred until reviews of what went wrong in Clarksburg and elsewhere are completed and the Council has an opportunity to take necessary actions.

- DPS, the Department of Public Works and Transportation (DPWT), and the Planning Board must review the roads and other required infrastructure within the Clarksburg Town Center and provide the Council with a report by August 15, 2005, regarding the status of the implementation of the provisions of the Clarksburg Town Center site plans pertaining to road infrastructure, including recommendations to ensure that the necessary road infrastructure is in place in a timely fashion.
- A countywide freeze on issuance of Building Permits in site plan zones (residential and commercial) must continue until height limit and setback requirements can be verified by DPS.
- Almost 200 building permit applications (residential and commercial) are currently pending with county authorities. No permits may be issued until each applicant resubmits site plans that disclose height and setback compliance. DPS and the Planning Board must verify the setback and height restrictions spelled out in each approved site plan.
- Any building permit application that uses the term "story" to describe the height of a building, instead of indicating proposed height by actual measurement of the building, must be rejected.
- The Planning Board and DPS must conduct an immediate audit of site plans approved throughout the County since January 1, 2003, to ensure that work being done is in accordance with the specifications of the approved plans. The Planning Board and DPS should immediately suspend development in any site plan where violations are uncovered.
- Park and Planning Department mid-level personnel must no longer approve "administrative" or so-called minor amendments to site plans. The Director of Park and Planning must personally approve every amendment to a site plan that is not considered by the Planning Board, and any site plan amendment review, major or minor, must include public notice.
- Subject to Council approval, DPS and the Planning Board must submit to the County Council by July 30, 2005, a staffing plan to increase the number of personnel dedicated to site plan and other enforcement duties. The resources for additional personnel must come from increased fees on developers and builders, not from taxpayer-funded sources.
- Existing personnel in DPS and the Park and Planning Department must be immediately re-deployed to perform site plan inspections. The County Council must be provided with a plan for training new and redeployed employees.
- DPS and the Park and Planning Department must immediately begin the process of recruiting additional, qualified personnel to perform enforcement functions for the two agencies.
- The builders and developers involved in the proceeding pending before the Planning Board pertaining to the Clarksburg Town Center development have agreed to the community's request that the Planning Board investigate and adjudicate *all* allegations of violations prior to adjudication of the sanctions. The Council endorses this approach.

Action

The County Council for Montgomery County, Maryland urges the Montgomery County Planning Board and the Department of Permitting Services to take these actions immediately. The Chair of the Planning Board and the Director of the Department of Permitting Services must provide biweekly reports to the Council updating the Council on their progress in implementing each step outlined in paragraph 7.

This is a correct copy of Council action.

A handwritten signature in cursive script that reads "Linda M. Lauer". The signature is written in black ink and is positioned above a horizontal line.

Linda M. Lauer  
Clerk of the Council